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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M-42908-2023
Date of Decision: 04.09.2023**

Neel Kanth @ Neela

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Jagjot Singh Lalli, Advocate for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.24 dated 05.02.2023, under Sections 379-B, 323, 341, 506 IPC registered at Police Station Sarabha Nagar, District Ludhiana.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody since 10.03.2023 and the investigation of the case has already been completed and thereafter, challan has also been presented before the competent Court. He further submitted that the petitioner has been falsely implicated in the present case since it is a case where the FIR was lodged after a period of 20 days' delay for which there is no explanation. He also submitted that the alleged incident wherein the allegations were pertaining to snatching of five LEDs from the complainant took place on 16.01.2023 and the FIR was lodged on 05.02.2023 and as per the FIR, the complainant had sustained some injuries but even otherwise also as per the

FIR, the offence under Section 323 IPC has been invoked and apart from the above, there is no medical of the complainant at all on the record. He further submitted that the reason as to why the petitioner was falsely implicated in the present case was that earlier the petitioner was involved in one case of theft of LED wherein he has now been granted regular bail by a Co-ordinate Bench of this Court on 07.07.2023 vide Annexure P-2 and since the petitioner was allegedly involved in the aforesaid theft case in order to cover up the present untraced accused in the present FIR, he has been nominated in the present case as well by concocting the story. He submitted that be that as it may, now the investigation of the case has already been completed and challan has also been presented and trial of the case may take long time, therefore, the petitioner may be considered for the grant of regular bail.

3. On the other hand, Mr. Sarabjit Singh Cheema, learned Deputy Advocate General, Punjab, has submitted that it is correct that the petitioner is in custody since 10.03.2023 and investigation of the case has been completed. He has however opposed the grant of regular bail to the petitioner on the ground that the petitioner is involved in two more cases out of which one case is of similar kind under Section 379-B of the IPC and another case is under the NDPS Act.

4. I have heard the learned counsels for the parties.

5. The petitioner is in custody since 10.03.2023 and there has been 20 days' delay in lodging of the FIR. The investigation of the case has already been completed and thereafter, challan has also been presented before the competent Court. The trial of the case may take long time. Furthermore, it is neither the case of the State nor it has been argued by the

learned State counsel that in case the petitioner is released on bail then he may abscond or flee from justice or may influence the witness or may tamper with the evidence. Therefore, considering the aforesaid facts and circumstances of the case, this Court deems it fit and proper to grant bail to the petitioner.

6. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

04.09.2023

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |